

HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARONIUS PRESS, LTD., an Isle of Man
limited company,

Plaintiff,

v.

FAITHLIFE, LLC, a Delaware limited
liability company,

Defendant.

NO. 2:22-cv-01635-TL

**PROPOSED JOINT CASE
MANAGEMENT SCHEDULE**

Pursuant to Judge Tana Lin's February 2, 2024 Order Denying Phased Discovery (Dkt. No. 64), and in accordance with Federal Rule of Civil Procedure ("FRCP") 26(f) and Local Civil Rule 26(f), Plaintiff Baronius Press, Ltd. ("Plaintiff") and Defendant Faithlife, LLC ("Defendant") held a FRCP 26(f) conference on February 15, 2024 and hereby submit this Joint Case Management Schedule. Plaintiff and Defendant shall hereafter be collectively referred to as the "Parties".

1. A statement of the nature and complexity of the case.

Plaintiff's Position Statement. This case is complex. Plaintiff brings this lawsuit against Defendant for violations of inter alia the U.S. Copyright Act, 17 U.S.C. § 101 *et seq.*

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CASE NO. 2:22-cv-01635-TL - 1

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1 (“**Copyright Act**”) and the Digital Millennium Copyright Act, 17 U.S.C. § 1202 *et seq.*
 2 (“**DMCA**”), and alleges two claims of Copyright Act violations concerning two (2) copyright-
 3 protected works, *Grundriss der katholischen Dogmatik* (“**Grundriss**”) and the English
 4 translation *Fundamentals of Catholic Dogma* (“**Fundamentals**”) in which Plaintiff either owns
 5 all copyright rights, or is the exclusive licensee of particular rights (*i.e.*, “reproduce, adopt, and
 6 distribute” rights) in *Grundriss English Edition* and *Fundamentals*, which includes the exclusive
 7 rights to police such rights. Plaintiff seeks statutory damages for each acts of copyright
 8 infringement, an award of statutory damages for each DMCA violation; and an award of costs
 9 and attorneys’ fees. As a result of the legal complexity of this dispute and lack of case law on
 10 point, coupled with discoverable evidence and testimony located in this federal district court, as
 11 well as elsewhere throughout the USA and in certain countries located in Europe, Plaintiff in an
 12 effort to promote judicial economy and to attempt to minimize the Parties’ expenses, seeks the
 13 Court assistance in this process by setting forth an appropriate case management schedule
 14 allowing ample time for discovery and trial of this complex matter.

17 **Defendant’s Position Statement.** This case is not complex. It does not involve matters
 18 of technical complexity and Defendant expects discovery to be expedient and straight-forward.
 19 This Court recently denied phased discovery as not “appropriate at this time” due to Plaintiff’s
 20 allegations “regarding infringement of the exclusive license in the Revised Translation,”
 21 reasoning that “resolution of the Lynch Translation ownership dispute would not necessarily be
 22 dispositive of the entire case.” ECF No. 64. Plaintiff has now moved for reconsideration of the
 23 Court’s Order on the Motion to Dismiss, ECF No. 63, and has disavowed those allegations. *See*
 24 ECF No. 68 at 9 (“Plaintiff in its Complaint [] did not allege that Faithlife published “the Revised
 25 Translation”); 13 (“Plaintiff has not alleged in paragraph 79 of the Complaint that
 26

Defendant has reproduced and distributed the ‘2018 Revised Translation’’). If the Court denies the motion for reconsideration, Defendant expects Counts I and III concerning the 2018 Revised Translation will be promptly withdrawn or dismissed, consistent with Plaintiff’s obligations under Rule 11. Defendant therefore expects to renew its request for phased discovery and bifurcation in that event because resolution of the Lynch Translation ownership dispute would be dispositive of this case.

2. Whether the parties consent to assignment of this case to a full time United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c) and Local Rule MJR 13, to conduct all proceedings.

No.

3. A proposed deadline for joining additional parties.

The Parties agree and propose the deadline to joining additional parties shall be ninety (90) days from the date that enters its Case Management Order.

5. A discovery plan that states the parties’ views and proposals on all items set forth in FRCP 26(f)(3).

(A) Initial disclosures. The Parties exchanged initial disclosures on or about March 21, 2023. Supplementation of disclosures and discovery responses are to be made as new information is acquired.

(B) Subjects, timing, and potential phasing of discovery. Assuming a mid-June 2025 trial date, the Parties agree to the following discovery related deadlines:

Event	Date
JURY OR BENCH TRIAL SET FOR 9:00 A.M. ON	6/2/2025
Length of trial	Plaintiff: 7 days Defendant: 3 days or less

1	Deadline for joining additional Parties	28 days from date trial scheduling order is posted by the Court
2		
3	Deadline for filing amended pleadings	56 days from date trial scheduling order is posted by the Court
4		
5	Disclosure of expert testimony under FRCP 26(a)(2) due	TD minus 7 months
6		
7	Disclosure of rebuttal expert testimony under FRCP 26(a)(2) due	30 days from above
8		
9	All motions related to discovery must be filed by	TD minus 6 months
10		
11	Expert Discovery completed by	TD minus 5 months
12		
13	All dispositive motions and motions challenging expert witness testimony must be filed by this date (<i>see</i> LCR 7(d))	TD minus 4 months
14		
15		
16	Settlement Conference, if mediation has been requested by the Parties per LCR 39.1, held no later than	TD minus 3 months
17		
18	Mediation per LCR 39.1, if requested by the Parties, held no later than	TD minus 2 months
19		
20	All motions <i>in limine</i> must be filed by	TD minus 35 days
21		
22	Agreed LCR 16.1 Pretrial Order due	TD minus 21 days
23		
24	Trial briefs, proposed <i>voir dire</i> questions, and proposed jury instructions due by this date. Counsel are to confer and indicate with their submissions which exhibits are agreed to.	TD minus 17 days
25		
26	Pretrial Conference scheduled for 1:00 p.m. on	TD minus 10 days

1 Defendant's availability in June 2025: Defendant is not presently aware of any unavailability of
2 counsel or witnesses in June 2025.

3 Plaintiff's availability in June 2025: Plaintiff is not presently aware of any unavailability or
4 counsel or witnesses in June 2025.

5 **(C) Any issues about discovery or electronically stored information.**

6 The parties do not presently have any issue about disclosure, discovery or preservation of
7 electronically stored information ("ESI") and agree to work together regarding date, custodian
8 and search term parameters of the ESI, including potentially relevant .PST/email files. The
9 Parties agree to adopt the Court's model ESI Agreement with certain modifications thereto as
10 necessary given the nature and scope of potentially relevant discovery. The Parties will work
11 to reach a final ESI Agreement and will submit to the Court in due course.
12

13 **(D) Privilege issues.**

14 The Parties agree to adopt the Court's Model Stipulated Protected Order with certain
15 modifications. The parties are working to reach a final Stipulated Protective Order and will
16 submit to the Court in due course.
17

18 **(E) Changes to discovery limitations imposed under the Federal and Local
19 Civil Rules or other proposed limitations on discovery.**

20 The Parties agree to abide by the Federal Rules of Civil Procedure and associated Local
21 Rules regarding discovery. The Parties also agree that the following discovery limitations will
22 apply:

- 23 i. maximum of twenty (25) requests for admission by each party to any other party,
24 except unlimited requests for admission for the purpose for authenticating documents;
- 25 ii. maximum of six (6) fact witnesses and two (2) expert witnesses apiece initially.
26

Because this matter is in its infancy, the Parties agree to confer in good faith and

1 potentially allow up to four (4) additional fact witness depositions per party to the extent
 2 discovery reveals such need. Depositions will not exceed 7 hours on the record unless
 3 agreed by the Parties.

4 **(F) The need for any discovery related orders.**

5 The Parties do not anticipate any need for additional discovery orders. If, during the
 6 course of this lawsuit, the Parties have a dispute about any discovery related issue, the Parties
 7 will confer in good faith in an attempt to resolve any dispute before noticing the Court of the
 8 same for resolution.

9
 10 **6. The parties' views, proposals and agreements on all items set forth in Local**
 11 **Civil Rule 26(f)(1).**

12 **(A) Prompt case resolution.**

13 The Parties agree that an early mediated settlement conference after the exchange of
 14 Initial Written Discovery Requests but before the commencement of depositions could be
 15 productive and may hold an early mediated settlement conference thirty (30) days after service
 16 of Responses to such Initial Written Discovery Requests. However, if after the exchange of
 17 such Responses, the Parties determine that an early mediated settlement conference would not
 18 be beneficial, then the Parties may agree without leave of court to forego the early mediated
 19 settlement conference.

20
 21 **(B) Alternative dispute resolution.**

22 Assuming a trial date of mid-June 2025, the Parties agree to discuss and consider mediation
 23 seventy-five (75) days prior to trial or on or before February 28, 2025. The parties do not agree
 24 to mediation at this time. **(C) Related cases.** None.

25
 26 **(D) Discovery management.** None at this time.

1 **(E) Anticipated discovery sought.**

2 The Parties anticipate discovery will be sought on Plaintiff's allegations and claims for
3 relief as it has alleged in its Complaint, and Defendant's Answer and Affirmative Defenses. The
4 parties initially anticipate that discovery will include discoverable evidence located in this
5 jurisdiction, elsewhere in the USA, as well as in Germany and Ireland, in the form of documents,
6 including ESI, and testimony.
7

8 **(F) Phasing motions.** None. As noted above, Defendant intends to renew its motion
9 for phased discovery if Counts I and III are withdrawn or dismissed from this case.

10 **(G) Preservation of discoverable information.**

11 The Parties do not currently anticipate any issue with preservation of evidence.

12 **(H) Privilege issues.** None at this time.

13 **(I) Model Protocol for Discovery of ESI.**

14 The Parties agree to adopt the Court's Model ESI Agreement with necessary
15 modifications thereto and will submit to the Court in due course.
16

17 **(J) Alternatives to the Model Protocol.** None.

18 **7. The date by which discovery can be completed.**

19 Fact discovery will be completed by TD minus 7 months. Expert discovery will be
20 completed by TD minus five months.

21 **8. Whether the case should be bifurcated by trying liability issues before the**
22 **damages issues, or bifurcated in any other way.**

23 **Plaintiff's statement:** Bifurcation is not necessary for this case, as determined by Judge
24 Tana Lin in her February 2, 2024 Order Denying Phased Discovery (Dkt. No. 64).
25
26

Defendant's statement: As noted above, Defendant intends to renew its motion for phased discovery and bifurcation if Counts I and III are withdrawn or dismissed.

9. Whether the pretrial statements and pretrial order called for Local Civil Rules 16(e), (h), (i) and (k) and 16.1 should be dispensed with in whole or in part for economy.

LCR 16(e). Yes.

LCR 16(h). Yes.

LCR 16(i). Yes.

LCR 16(k). Yes.

LCR 16.1. Yes.

10. Whether the parties intend to utilize the Individual Trial Program set forth in Local Civil Rule 39.2. No.

11. Whether the parties intend to utilize any Alternative Dispute Resolution ("ADR") options set forth in Local Civil Rule 39.1.

Not at this time.

12. Any other suggestions for shortening or simplifying the case. No.

13. The date the case will be ready for trial. June 2025 or later.

14. Whether the trial will be jury or non-jury. The Parties demand a jury trial.

15. The number of trial days required.

Plaintiff's statement: Seven (7) trial days.

Defendant's statement: No more than three days.

16. The names, addresses and telephone numbers of all trial counsel.

<i>Attorneys for Plaintiff Baronius Press, Ltd.</i>	<i>Attorneys for Defendant Faithlife, LLC</i>
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17. The dates on which trial counsel may have complications to be considered in setting a trial date.

Plaintiff's counsel: None.

Defendant's counsel: None.

18. Service Issues. Defendant admits to effective service.

19. Whether any party wishes to have a scheduling conference in advance of the Court's entry of a scheduling order in this case. Not at this time. Defendant may request a scheduling conference related to its renewed motion for phased discovery and bifurcation, if made.

20. The dates on which each and every non-governmental corporate party filed its corporate disclosure statement pursuant to FRCP 7.1 and LCR 7.1.

Plaintiff: November 15, 2022

Defendant: March 23, 2023.

21. A certification that all counsel and any pro se parties have reviewed Judge Lin's Chambers Procedures, the Local Rules, General Orders and the application

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Electronic Filing Procedures.

Plaintiff's counsel provides such certification as of the filing of this Proposed Case Management Schedule.

Defendant's counsel provides such certification as of the filing of this Proposed Case Management Schedule.

22. A certification that all counsel and any pro se parties have reviewed and complied with Judge Lin's Standing Order Regarding 28 U.S.C. 455 and Canon 3 of the Code of Conduct for the United States Judges.

Plaintiff's counsel provides such certification as of the filing of this Proposed Case Management Schedule.

Defendant's counsel provides such certification as of the filing of this Proposed Case Management Schedule.

Dated: February 26, 2024

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Dated February 26, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I served the foregoing document on the following parties
via ECF:

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DATED: February 26, 2024

s/Carolynn Kaiser
Carolynn Kaiser, Legal Secretary